

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 4, 2018**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of April 4, 2018, was called to order by Mayor Nakanishi at 6:49 p.m.

Present: Council Member Chandler, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Absent: Council Member Johnson

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, Lodi Fire Mid-Management, and International Brotherhood of Electrical Workers Pursuant to Government Code §54957.6 (CM)

C-3 Adjourn to Closed Session

At 6:49 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:53 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:01 p.m., Mayor Nakanishi reconvened the City Council meeting, and City Attorney Magdich disclosed the following action.

Item C-2a) was discussion only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of April 4, 2018, was called to order by Mayor Nakanishi at 7:01 p.m.

Present: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

NOTE: Council Member Johnson participated in the meeting via teleconference.

B. Presentations

B-1 Earth Day Proclamation (PW)

Mayor Nakanishi presented a proclamation to Watershed Program Coordinator Kathy Grant proclaiming April 22, 2018, as Earth Day in Lodi. Ms. Grant announced that Earth Day activities will once again be in conjunction with the Love Lodi event on April 14, 2018, and encouraged anyone interested in participating to sign up at www.lovelodi.org.

B-2 National Animal Control Officer Appreciation Week Proclamation (PD)

Mayor Nakanishi presented a proclamation to Animal Services Supervisor Jennifer Bender proclaiming the week of April 8-14, 2018, as National Animal Control Officer Appreciation Week.

B-3 National Volunteers Week Proclamation (PD)

Mayor Nakanishi presented a proclamation to representatives of the Police; Library; Public Works; and Parks, Recreation and Cultural Services departments proclaiming April 15-21, 2018, as National Volunteers Week in Lodi in recognition for their contributions and service to the City and community.

B-4 National Public Safety Telecommunicators Week Proclamation (PD)

Mayor Nakanishi presented a proclamation to Jennifer Root, Lead Dispatcher and President of the Dispatch Association, proclaiming the week of April 8-14, 2018, as National Public Safety Telecommunicators Week.

C. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Chandler made a motion, second by Mayor Pro Tempore Mounce, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$3,073,309.59 (FIN)

Claims were approved in the amount of \$3,073,309.59.

C-2 Approve Minutes (CLK)

The minutes of March 7, 2018 (Regular Meeting), March 7, 2018 (Special Meeting), March 13, 2018 (Shirtsleeve Session), and March 20, 2018 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Approving Purchase of Dell Network Switches from DSA Technologies, of Elk Grove (\$51,962.44) (CM)

Adopted Resolution No. 2018-50 approving the purchase of Dell network switches from DSA Technologies, of Elk Grove, in the amount of \$51,962.44.

C-4 Adopt Resolution Awarding Bid for Purchase of 50 Padmount Transformers from ERMCO, of Dyersburg, Tennessee (\$110,282.13) (EU)

Adopted Resolution No. 2018-51 awarding bid for the purchase of 50 padmount transformers from ERMCO, of Dyersburg, Tennessee, in the amount of \$110,282.13.

C-5 Adopt Resolution Authorizing City Manager to Execute Five-Year Professional Services Agreement for Completion of Biannual Electric Utility Customer Satisfaction Study with Great Blue Research, Inc., of Cromwell, Connecticut (\$118,500) (EU)

This item was removed from the Consent Calendar by Mayor Pro Tempore Mounce and Council Member Kuehne for discussion purposes.

Mayor Pro Tempore Mounce expressed concern about the frequency of conducting a survey biannually, stating she would not support the request. She added that it is important to measure progress, but only if appropriate action is taken afterward to correct or improve a situation.

Council Member Kuehne expressed concern over the cost and multiple-year contract term, adding that it seems unnecessary to continue surveying customer satisfaction when it appears the City is near the 80 percent benchmark goal, particularly after all of the improvements recently implemented, including customer service enhancements, addition of payment kiosks, improved on-line payment method, and added payment options via phone, text, and e-mail.

Business Development Manager Adam Brucker pointed out this action is consistent with the Council-adopted Lodi Electric Utility Strategic Plan to survey customer service biannually. He added the five-year contract is for three surveys, which includes a lower price point due to the multiple surveys. Electric Utility Director Elizabeth Kirkley added that the surveys will include focus groups that could help improve Electric Utility's offerings, including technological improvements.

City Manager Schwabauer stated staff is willing to discuss the matter further if Council wishes to explore an alternative level of frequency in conducting the surveys.

Council Member Kuehne reiterated that he does not support committing to three surveys over a five- to six-year period. Mr. Schwabauer pointed out the contract is set up to be "payable for work done to date" and could be terminated after the first survey. Council will receive a presentation after each survey, at which time Council can direct whether to go forward or not. Council Member Kuehne suggested looking into other survey tools on the market that can obtain immediate customer feedback following transactions, which would be more beneficial than telephone surveys or focus groups. He stated he could support a one-year contract with one survey.

David Hamel, member of the public, agreed that social media and customer surveys following transactions make better sense than paying a company to conduct surveys. He further questioned if any Council Members had personal or business ties to the recommended firm, all of whom replied in the negative.

Council Member Chandler stated he supports conducting the first survey as proposed in the multi-year contract, but going forward he would like to see a hybrid approach to conducting the surveys using modern methodologies.

Mayor Nakanishi stated Lodi Electric is a significant business and it is worth knowing what works and what does not; therefore, he supported moving forward with the survey.

Mayor Pro Tempore Mounce reiterated she will not support the recommendation because it is an antiquated approach and the City could get more for its money by utilizing different survey mechanisms, while still collecting a random sample from the citizenry.

Council Member Chandler stated that doing a survey in the near future is important in order to evaluate customer feedback following the significant changes, upgrades, and improvements that were made in the Finance Department.

Council Member Kuehne suggested holding off on the survey for six months until all improvements, including the payment kiosks, have been implemented and utilized by customers.

Mayor Pro Tempore Mounce suggested the new phone system also be completed before any surveys take place, to which Information Technology Manager Benjamin Buecher responded it should take four to six months to implement. Mayor Pro Tempore Mounce strongly urged the new phone system include a call-back feature and an element that provides customers with an estimated wait time.

Council Member Johnson pointed out that Lodi Electric Utility is an investment that touches many

departments, not only Finance, and it is imperative the community receive quality service. He stated he supports the proposed resolution as presented by staff.

Council Member Kuehne made a motion, second by Council Member Chandler, to adopt Resolution No. 2018-56 authorizing the City Manager to execute a five-year Professional Services Agreement for completion of biannual Electric Utility customer satisfaction study with Great Blue Research, Inc., of Cromwell, Connecticut, in the amount of \$118,500, and directed that the 2018 survey commence no sooner than October 1, 2018 (i.e. six months); that the survey results be reviewed with Council at a publicly-noticed meeting; and, at that time, Council will provide direction to staff as to the term of the agreement.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Kuehne, and Mayor Nakanishi

Noes: Council Member Johnson, and Mayor Pro Tempore Mounce

Absent: None

C-6 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with Civic Plus, Inc., of Manhattan, Kansas, for Design and Hosting of City's Web Services (\$14,500) and Appropriating Funds (\$6,380) (CM)

Adopted Resolution No. 2018-52 authorizing the City Manager to execute Amendment No. 1 to Professional Services Agreement with Civic Plus, Inc., of Manhattan, Kansas, for design and hosting of City's web services, in the amount of \$14,500, and appropriating funds in the amount of \$6,380.

C-7 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with ABOL Rodent Control, of Lodi, for Squirrel Abatement (\$40,000) (PW)

Adopted Resolution No. 2018-53 authorizing the City Manager to execute Amendment No. 1 to Professional Services Agreement with ABOL Rodent Control, of Lodi, for squirrel abatement, in the amount of \$40,000.

C-8 Adopt Resolution Authorizing City Manager to Execute Agreement with Ray Morgan Company for City-Wide Copier Maintenance (\$165,000) (CM)

Adopted Resolution No. 2018-54 authorizing the City Manager to execute an agreement with Ray Morgan Company for City-wide copier maintenance, in the amount of \$165,000.

C-9 Adopt Resolution Authorizing City Manager to Execute Five-Year Agreement for Land Management Permit Software and Software Maintenance Services with Accela, Inc., of Reston, Virginia (Not to Exceed \$530,000) (CD)

Adopted Resolution No. 2018-55 authorizing the City Manager to execute a five-year agreement for land management permit software and software maintenance services with Accela, Inc., of Reston, Virginia, in an amount not to exceed \$530,000.

C-10 Reappoint Doug Bojack and Fran Forkas to the Lodi Improvement Committee and Re-Post for Remaining Vacancy on the Lodi Improvement Committee (CLK)

Reappointed Doug Bojack and Fran Forkas to the Lodi Improvement Committee and directed the City Clerk to re-post for remaining vacancy on the Lodi Improvement Committee.

C-11 Set Public Hearing for April 18, 2018, to Consider Adopting Resolution Authorizing City Manager to Execute Reimbursement Agreement RA-18-01 for Public Improvements Constructed with Lodi Shopping Center (PW)

Set public hearing for April 18, 2018, to consider adopting a resolution authorizing the City Manager to execute Reimbursement Agreement RA-18-01 for public improvements constructed with Lodi Shopping Center.

C-12 Set Public Hearing for April 18, 2018, to Consider Adopting Resolution Approving Draft 2018/19 Annual Action Plan for Community Development Block Grant Program (CD)

Set public hearing for April 18, 2018, to consider adopting a resolution approving Draft 2018/19 Annual Action Plan for Community Development Block Grant Program.

C-13 Set Public Hearing for May 2, 2018, to Consider Appeal of Erik and Staci Jones Regarding Public Works Department's Denial of Encroachment Permit for 3031 Celebration Drive, Lodi (CLK)

Set public hearing for May 2, 2018, to consider appeal of Erik and Staci Jones regarding Public Works Department's denial of Encroachment Permit for 3031 Celebration Drive, Lodi.

D. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

Mushtaq Tahirkheli encouraged the City to keep jobs and money in the City instead of out of state and expressed surprise that the downtown parking meters were removed.

E. Comments by the City Council Members on Non-Agenda Items

Council Member Kuehne stated he will be unable to participate in Love Lodi and the clean up at Lodi Lake this year because he will be in Washington, D.C., at the San Joaquin Council of Governments One Voice trip. He encouraged all citizens to participate in Love Lodi, stating there are many projects taking place, including 15 alley clean-ups and rehabilitation of the City of Lodi arch.

Mayor Nakanishi reported he met with Robert Martinelli who was assigned to work as the San Joaquin County Neighborhood Deputy District Attorney for the north county area, which was established by District Attorney Tori Verber-Salazar. He summarized that the meeting included a discussion of the functions, funding, and projects of the newly-created Division.

Council Member Chandler reported he recently spoke to a social studies class at Lodi High School and was impressed with the students' knowledge and depth of questions, which primarily focused on growth and development, crime, diversity, and other timely subjects currently being discussed by Council.

Mayor Pro Tempore Mounce thanked Take Back Lodi for making a significant impact in cleaning up "Camp America" by the railroad tracks behind the Mondavi Distribution Center, adding that, while this made a huge impact, it will displace homeless individuals back into the City. She stated Lodi wants to help the homeless with a hand up, as well as access to services, and Lodi may not be the appropriate place for those who do not want help. Additionally, she thanked Homeless Liaison Officer Ryan Holz for his hard work and efforts in working with the homeless to educate them on services. She stated Code Enforcement is doing a great job handling the Main Street property that recently burned down and keeping the homeless out who are attempting to live in the ruins, which puts the City at risk if someone were to get hurt. Lastly, she reported on her trip to Washington, D.C., for the National League of Cities Congress of Cities, during which she met with many legislators to discuss concerns facing California, such as homelessness, housing, and

transportation. She reported she will be attending Legislative Action Days in Sacramento in mid-April and reviewed some of the new bills under discussion and debate.

Council Member Johnson requested the meeting be adjourned in memory of Virginia Snyder and Frank Alegre.

F. Comments by the City Manager on Non-Agenda Items

None.

G. Public Hearings

G-1 Public Hearing to Receive Input and Consider Adopting Resolution Calling an Election to Submit to Qualified Electors the Questions of Levying a Special Tax Within the Area Proposed to be Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 6); and Resolution Declaring the Results of the Special Election and Ordering the Annexation of Territory to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 6); and Introduce an Uncodified Ordinance Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 6) (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to receive input and consider adopting resolution calling an election to submit to qualified electors the questions of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 6); and resolution declaring the results of the special election and ordering the annexation of territory to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 6); and introduce an uncodified ordinance levying and apportioning the special tax in territory annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 6).

City Manager Schwabauer explained that all new developments in Lodi are under this new fee system, in which residents of new houses pay the cost of City services so citizens do not make up the additional costs of service.

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding special tax in the area proposed to be annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 6). Specific topics of discussion included Annexation Map No. 6 and recommended action.

Mayor Pro Tempore Mounce made a motion, second by Council Member Kuehne, to adopt Resolution No. 2018-57 calling an election to submit to qualified electors the questions of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 6).

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: None

Absent: None

Mayor Nakanishi opened the public hearing for public comment.

Joe Murphy, project engineer, posed questions on when the tax is implemented, to which Mr. Schwabauer responded that it is upon occupancy and paid by the buyer, not the developer.

There being no further public comments, Mayor Nakanishi closed the public hearing.

Council Member Mounce stated she typically does not support a tax; however, in this case, the tax goes toward improving and maintaining a neighborhood area so it does not become rundown. She further complimented the developers for taking a risk on the older portion of town.

Council Member Kuehne made a motion, second by Council Member Chandler, to adopt Resolution No. 2018-58 declaring the results of the special election and ordering the annexation of territory to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 6).

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: None

Absent: None

Mayor Pro Tempore Mounce made a motion, second by Council Member Chandler, to introduce uncodified Ordinance No. 1951 levying and apportioning the special tax in territory annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 6).

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: None

Absent: None

G-2 Public Hearing to Consider Introducing Ordinance Amending Lodi Municipal Code Chapter 13.20, "Electrical Service," by Repealing and Reenacting Section 13.20.315, "Schedule EDR – Economic Development Rate," to Reenact Utility Rate Discount from July 1, 2018 to June 30, 2023 (EU)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to consider introducing an ordinance amending Lodi Municipal Code Chapter 13.20, "Electrical Service," by repealing and reenacting Section 13.20.315, "Schedule EDR - Economic Development Rate," to reenact Utility Rate Discount from July 1, 2018 to June 30, 2023.

Business Development Manager Adam Brucker provided a PowerPoint presentation regarding the Economic Development Rate (EDR). Specific topics of discussion included purpose and benefits of the EDR, Lodi Electric Utility reliability and competitive rate structure, 12-month rate discount for business customers since 2013, discount for new businesses and those that create new full-time jobs, and discount amounts.

Mayor Pro Tempore Mounce expressed concern that there is no built-in mechanism to monitor whether or not a business retains newly-added positions, which trigger the EDR, for the full year as promised. She suggested staff audit companies on a quarterly basis to ensure they retain the new positions; otherwise, they lose the discount. City Manager Schwabauer stated he is not opposed to monitoring businesses but felt quarterly would place a burden on staff's workload and suggested an annual review instead. Mayor Pro Tempore Mounce stated she would support the ordinance if a monitoring mechanism were added.

Council Member Kuehne agreed there should be a checks and balance system to ensure those receiving the discount are abiding by the regulations.

Mr. Schwabauer stated an amended ordinance will be brought back to Council at a later date for consideration.

There was no Council action taken on the matter.

H. Regular Calendar – None

I. Ordinances – None

K. Adjournment

With regard to the passing of Virginia Snyder, Mayor Pro Tempore Mounce described Ms. Snyder as a friend, mentor, neighbor, and fellow East Side Improvement Committee member (now Lodi Improvement Committee) who was a thoughtful and inclusive leader that will be sorely missed.

Mayor Nakanishi stated that Frank Alegre, who passed away on March 25, was an iconic businessman who lived in Lodi many years and was widely known as a philanthropist.

With regard to the passing of Edwin Janke, City Manager Schwabauer stated that Mr. Janke was a retired Water/Wastewater Supervisor known for his service to Lodi by donating his skills as a talented cabinetmaker and woodworker. He donated many projects to the City and created toys for children, including wooden trains carved by hand. Most recently, he donated the wooden trees at the public Library for the children's desk, saving the City \$45,000.

There being no further business to come before the City Council, the meeting was adjourned at 8:35 p.m., in memory of active community member Virginia Snyder, who passed away on March 8, 2018; local businessman Frank Alegre, who passed away on March 25, 2018; and retired City employee Edwin Janke, who passed away on April 3, 2018.

ATTEST:

Jennifer M. Ferraiolo
City Clerk